

Instructions For Applying DoD Manpower Mix Criteria

1. General.

1.1. The following manpower mix criteria and data codes are to be used by the DoD Components to identify what DoD military and civilian manpower in the programmed force structure are:

1.1.1. Core (to include manpower performing inherently governmental, military essential and civilian essential functions) and not subject to private sector performance;

1.1.2. Non-core and restricted from cost comparison or direct conversion (such as fire fighters and Security Guards) to private sector performance; and,

1.1.3. Non-core and subject to cost comparison or direct conversion to private sector performance.

1.2. Manpower mix criteria are listed in descending order of precedence. Where two (or more) criteria apply to a manpower requirement, the criterion highest on the list shall take precedence. (A diagram depicting a decision matrix for applying the Manpower Mix Criteria and order of precedence. for coding billets is at Enclosure 2).

1.3. DoD Component program and force management officials shall review the manpower designations and re-designate manpower, as necessary, to ensure there is a sufficient workforce base to support:

1.3.1. Mobilization based on the criteria for "Military Combat Augmentation" (code B) and "Civilian Security or Operational Risk" (code I); and,

1.3.2. Peacetime overseas and sea-to-shore rotation of military personnel and military career progression; and, for compliance with legislatively mandated manpower floors, based on the criteria for "Military Rotation" (code E), "Military Career Progression" (code F), and legislatively mandated floors (code J), respectively.

2. Manpower Mix Criteria.

2.1. DoD Components shall designate core "military essential" manpower requirements based on the following criteria and data codes:

2.1.1. Military Combat (code A). DoD Components shall designate all military manpower requirements in operating forces that deploy to theaters or areas of operations where there is a high likelihood of exposure to hostile fire with Code A. Military manpower requirements that support contingency operations in units that do not deploy but, due to the nature of their military mission, are subject to military attack may also utilize code A. A key element is whether the personnel must be trained and ready to use combat skills or training and (except for Chaplains and medical personnel) use deadly force.

2.1.1.1. This includes military manpower in combat units that will be engaged in, or provide direct support for, military combat operations. Units that provide service support under combat conditions may be considered for this category, but only where military combat exposure (direct fire) is expected or where use of civilians or contractors is considered an unacceptable risk. (Risk assessment procedures are at Enclosure 1).

2.1.1.2. The manpower under this criterion is considered "military essential" because military combat training and experience is necessary for the successful performance of the work and, except in emergency situations, the use of noncombatant contract and DoD civilian personnel is deemed an unreasonable risk. This may include entire units (such as Army Modified Tables of Organization and Equipment units) or individual manpower within units, as well as Unit Type Code (UTC) tasked manpower in the Air Force.

2.1.1.3. During peacetime, not all of the "Military Combat" manpower requirements are programmed. DoD Components program manpower to maintain the military forces and essential support elements sufficiently ready during peacetime so that units can be brought to the appropriate mission readiness status within the period of time allowed to meet the most demanding requirements on an approved time phased force deployment list (TPFDL). DoD Components ensure that units can meet their mission readiness status within the required time frame by maintaining a sufficient number of military personnel in the infrastructure for each occupational and skill level needed for a complete and immediate mobilization consistent with the guidance in DoD Directive 1100.18 (reference a). This source of military manpower is referred to as "Military Combat Augmentation" manpower. Assignment of military personnel to positions in the infrastructure during peacetime allows for the cost effective cross-utilization of military personnel.

2.1.2. Military Combat Augmentation (code B). DoD Components shall designate military manpower in the infrastructure that do not otherwise require military incumbents with code B when they are needed to ensure there is an adequate inventory of military personnel for each occupation and skill level necessary to satisfy projected mobilization or wartime manpower demands that cannot be met with personnel designated "Code A" or with personnel acquired after mobilization.

2.1.2.1. This includes military personnel who are required for a mobilization, military contingency, or other emergency requirement, but are assigned to positions in the infrastructure during peacetime to provide for their cost-effective utilization and training. (For example, utilizing doctors and nurses in military hospitals in the infrastructure during peacetime is more cost effective and appropriate than assigning them to Mobile Army Surgical Hospital (MASH) units in the field).

2.1.2.2. In all cases, the incumbents must be qualified to perform the duties and tasks required by the designated position, and the duties and responsibilities must provide the military with the experience and training necessary to upgrade or remain proficient in primary or secondary military occupational specialties. Such designations shall conform to the readiness requirements and training needs of the DoD Component, and not exceed the number required to augment units in the operating forces during a mobilization or other emergency situation.

2.1.2.3. Decisions concerning the number of manpower included under this criterion are made by occupational specialty and centrally managed at the DoD Component headquarters or Major Command level by responsible program and force management officials. Since a mobilization may involve the expansion of the military forces beyond the (approved) programmed force structure, DoD Components must consider all of the wartime manpower requirements and the entire wartime manpower demand before making final decisions about this manpower. DoD Components shall use a formal, validated process for determining mobilization manpower requirements and wartime manpower demands, as specified in DoD Directive 1100.18, reference (a), and for validating the manpower under this criterion. The manpower shall be revalidated as changes are made to the wartime contingency plans and readiness requirements in the Defense Planning Guidance (DPG) and the availability of reserve and military retiree assets.

2.1.2.4. The manpower under this criterion is considered "military essential" because the personnel from these positions are used to support peacetime deployment of military forces, achieve full military manning of operating units upon mobilization, and provide casualty replacements and wartime rotation for military personnel either immediately or relatively soon after commencement of sustained operations.

2.1.3. Military Unique Knowledge & Skills (code C). DoD Components shall designate military manpower that require knowledge and skills acquired primarily through military training and current military experience for the successful performance of the prescribed duties with code C.

2.1.3.1. This manpower is considered "military essential" because the required military experience must be of a first-hand nature acquired through the command of military forces or by participating in or conducting military operations, tactics, or systems operations and must be more substantial than familiarity with military administration procedures or similar capabilities reasonably attained by civilian employees or possessed by retired military.

2.1.3.2. This includes manpower for:

2.1.3.2.1. Military officials who are directly and ultimately responsible for the accomplishment of assigned missions and functions; exercise authority (direction and control) over military forces, programs, property (physical assets and information), funds, and personnel; and make decisions and set policy on behalf of the government. This includes positions such as the Chairman of the JCS; Service Chiefs of Staff; Judge Advocate Generals; Commanders in Chief of the unified commands; Commanding officers of garrisons, forts, bases, and stations who exercise command or military authority over military subordinates or subordinate commands; Superintendents of military Academies; Commandants of Cadets; and Commanders of Service Commands.

2.1.3.2.2. A minimum number of military planners and program officers in line and staff organizations that are necessary to ensure that government officials maintain management authority and thorough control over government operations. This manpower assists with the planning, advice, and policy formulation for matters that are military in nature; the authoritative direction over all aspects of military operations, joint training, and logistics; strategic planning and direction of the military forces; contingency planning; intelligence; development of military doctrine and tactics; determining weapon system operational requirements; and other activities where current, first hand military experience, knowledge, and judgment are required.

2.1.3.2.3. Military judges, legal officers, or judge advocates, where knowledge and experience must be acquired through special studies, prosecutions, or adjudicatory procedures under the Uniform Code of Military Justice (UCMJ).

2.1.3.2.4. A minimum number of military project officers in program development agencies, testing facilities, aircraft plants, shipyards, or other armament production centers where actual “hands on” military experience is needed for product acceptance determinations or where military training, judgment, and recent experience are used to ensure that a program is directed toward proper military requirements and applications.

2.1.3.2.5. Military instructors in units conducting essential military training based on their own previous training and practical experience. For example, this would include requirements for drill sergeants, instructors in fleet training centers and schools, or instructors providing tactical aviation or field training.

2.1.3.2.6. Military manpower in activities outside the DoD (such as the White House, United Nations, and Department of Commerce) when the duties require military unique knowledge and skills.

2.1.4. Military Image and Esprit de Corps (code D). DoD Components shall designate a limited number of military manpower in the infrastructure with code D when they are traditionally or customarily used to provide a military “esprit de corps” or to promote public affairs purposes. This includes manpower for military bands, Honor Guards, recruiters, military contingents or guard detachments primarily at overseas locations where military personnel are traditionally assigned to project a military presence or image, and teams that demonstrate military expertise to the public.

2.1.4.1. This manpower is considered “military essential” because only military personnel can project a military presence or image, or demonstrate military expertise.

2.1.4.2. Under the manpower mix order of precedence, coding for the “Military Combat Augmentation” criterion takes precedence over coding for “Military Image or Esprit de Corps.” Therefore, manpower requirements that are created to support “esprit de corps” during peacetime, but are eliminated during a mobilization so that the military incumbents can be used to augment the military forces (as is the case with the Thunderbirds, Blue Angels, and Black Knights), shall be coded as “Military Combat Augmentation” manpower. Only manpower that is used solely to provide a military “esprit de corps” or to promote public relations during peacetime and wartime are included under this criterion.

2.1.5. Military Rotation (code E). DoD Components shall designate manpower in the infrastructure that would not otherwise require military incumbents with code E to provide a rotation base for overseas or sea-to-shore assignments when the number of military coded A through D are not sufficient to satisfy peacetime rotation requirements.

2.1.5.1. This manpower is considered “military essential” because it is needed to maintain military tour lengths and military personnel turnover at appropriate levels and, by so doing, keeps peacetime recruitment and training costs to a minimum.

2.1.5.2. Decisions concerning the number of manpower coded under this criterion are centrally managed at the DoD Component headquarters or Major Command level by responsible program and force management officials. This manpower shall be justified by occupational specialty; based on established assignment, rotation, and career development policies; and consider TEMPO goals, personnel turnover, and permanent change of station (PCS) turbulence. Maximum stability of personnel assignment and minimum rotation or turnover will be maintained to the extent consistent with requirements of training, readiness, and morale pursuant to DoD Directive 1100.4, reference (b). Policies governing military assignments, overseas and sea-to-shore tour lengths, and rotation practices are addressed in DoD Directive 1315.7, reference (c).

2.1.5.3. DoD Components shall ensure that decisions about the number of manpower needed to support overseas and sea-to-shore rotation, are made in conjunction with decisions about the manpower needed to support “Military Career Progression” (code F) and “Legislatively Mandated Floors” (code K).

2.1.6. Military Career Progression (code F). DoD Components shall designate manpower in the infrastructure that do not otherwise require military incumbents with code F to provide career paths for military personnel when the number of military coded A through E are not sufficient to satisfy peacetime military career progression requirements.

2.1.6.1. DoD Components shall designate manpower requirements for military career progression only after considering other options for managing career fields (such as restructuring grade requirements and providing additional training). When considering key management positions in support activities, DoD Components shall

ensure that decisions to designate manpower for military career progression are managed so as to maintain reasonable opportunities for the development of both military and civilian personnel pursuant to DoD Directive 1100.9, reference (d).

2.1.6.2. Decisions as to the number of manpower coded under this criterion are made by occupational specialty and centrally managed at the DoD Component headquarters or Major Command level by responsible program and force management officials. Final decisions about the number of manpower requirements necessary to support career progression must be made in conjunction with decisions about the manpower needed to support "Military Rotation" (code E) and "Legislatively Mandated Floors" (code K).

2.1.6.3. This manpower is considered "military essential" because the assignments provide leadership experience necessary to produce competent military leaders and the day-to-day work assignments necessary to develop military skills.

2.2. DoD Components shall designate core "civilian essential" manpower requirements based on the following criteria:

2.2.1. Civilian Authority and Direction (code G). This criterion is used to identify DoD manpower requirements that are necessary to exercise civilian management authority (direction and final decision making) over government policy, programs, property (physical assets and information), funds and treasury accounts, or employees. The incumbents of these positions make decisions on behalf of the government and are directly and ultimately accountable for the accomplishment of assigned missions and functions.

2.2.1.1. This category includes all civilians that have the authority to obligate federal funds or to commit the government, through other decision making, to some course of action. This category also includes civilians that approve strategic plans, program objectives, functional requirements, and performance criteria; policies, directives, and regulations in assigned missions and functions; the allocation of resources (funding and manpower), the obligation and disbursement of funds, contract terminations; and the collection of public funds; acquisitions, use, and disposition of government property (real or personal, tangible or intangible); Freedom of Information Act requests and responses; Federal licensing actions (except vehicle or support equipment) and inspections; and government positions, testimony, and responses to Congress and audit organizations.

2.2.1.2. The examples listed above coincide with functions in Appendix A of OFPP Policy Letter 92-1, reference (e).

2.2.1.3. Examples of positions that fall under this criterion include Secretaries of Military Departments and Directors of Defense Agencies and DoD Field Activities; Under, Assistant, and Deputy Secretaries of Defense and the Military Departments; program and project managers; contracting officers; and DoD directors over line operations or principal staff elements.

2.2.1.4. This criterion excludes civilians that provide first line supervision over federal employees performing functions that are, otherwise, subject to private sector competition and performance. In addition, employee utilization of government credit cards for the purchase of office supplies or temporary duty travel does not meet the funds obligational criteria specified above.

2.2.2. Civilian Expertise and Control (code H). This criterion is used to identify a minimum number of DoD manpower requirements that are required to ensure that civilian decision making officials (accounted for under criterion G above) maintain sufficient levels of oversight, control, and accountability over government operations and federally funded projects and tasks. The incumbents in these positions provide corporate knowledge and technical expertise necessary to ensure that government and public interests are advanced and that government contractual obligations are fully satisfied by playing an active and informed role in areas such as contract administration and evaluation. This includes civilians in staff and line functions that require current technical knowledge and on-the-job training and work experience necessary to effectively influence government decision-making and progress into positions of authority and direction (code G, above).

2.2.2.1. Examples include civilians that:

2.2.2.1.1. Interpret and/or execute federal laws and develop associated policy and regulatory guidance in assigned functional areas—e.g., resource management, procurement/contracting, personnel administration, etc.;

2.2.2.1.2. Render value judgments, develop recommendations, and establish management criteria and objectives on behalf of the government—e.g., legal opinions, program priorities, budget requests, performance evaluation, contract awards, quality assurance, personnel selection and appraisal, security clearances, etc.;

2.2.2.1.3. Develop government positions, testimony, legislation, and responses to the Congress, audit agencies, public and private sector inquiries, etc.; (because of the appearance of private influence with respect to documents that are prepared for the Congress or reflect government position pursuant to OFPP Policy Letter 92-1, reference (e));

2.2.2.1.4. Perform duties that require official government representation—e.g., prosecution and adjudicatory functions, conduct of criminal investigations and administrative hearings, federal license certifications, foreign government relations, employee labor relations, legislative activities, public affairs, financial collection activities; and

2.2.2.1.5. Are in formal personnel management programs designed to provide progression into civilian positions that require government corporate knowledge and technical expertise.

2.2.2.2. The manpower under this category perform functions listed in Appendix B of OFPP Policy Letter 92-1, reference (e), and represent the minimum number necessary for government control.

2.2.2.3. Identification and validation of civilian requirements under this criterion are based upon a manpower requirements study or assessment of what functions and duties must be performed by government employees and other conditions that must exist in order to maintain sufficient government expertise and oversight. Manpower guidance governing this criterion will vary by function based upon its nature, complexity, magnitude of contract reliance, organizational level, geographic dispersion, and other factors (including access to ultimate decision maker). Every effort must be made to avoid situations where government decision making in a functional area is weighted in favor of, or limited to, options presented by the private sector interests.

2.2.3. Civilian National Security or Operational Risk (code I). This criterion is used to identify DoD civilian manpower requirements (not included under codes G and H, above) that are required to perform highly sensitive national security, intelligence or investigative work and to ensure a ready and government controlled source of technical competence in operations necessary to the effectiveness of military combat and other more specialized operations.

2.2.3.1. Examples include:

2.2.3.1.1. Civilians that are designated emergency-essential, who forward deploy with military troops in noncombatant roles, to perform duties critical to combat missions, provide continuity of essential functions, or ensure the availability of combat-essential systems subsequent to an evacuation of noncombatants in a crisis situation pursuant to DoD Directive 1404.10, reference (f);

2.2.3.1.2. Civilians that are required to ensure a ready and government-controlled source of technical expertise or operational capability that is essential for the effective and timely response to, and sustainment of, a mobilization or other emergency requirement such as dual status civilian (military) technicians and civilians required for critical core logistics, or where there is concern that contractor performance will not continue during crisis.

2.2.3.1.3. Civilians that maintain and operate Signals Intelligence (SIGINT), Telecommunications, Computer Security (COMPUSEC), and Communications Security (COMSEC) equipment;

2.2.3.1.4. Civilians that provide highly specialized expertise and technical competence in areas necessary to ensure government controlled sources of capability exist in critical areas such as direct patient care in DoD hospitals; medical specialties for combat-related disease and illness; research and development work that is of a theoretical or experimental nature conducted in direct support of military medical, biological, or scientific interests, or for development of critical defense technologies or force modernization; and other unique or valuable workforce skills that should be maintained by the Defense Department in the national interest; or,

2.2.3.1.5. Civilians in formal personnel management programs designed to provide progression into civilian positions that are justified based on national security or operational risk.

2.2.3.2. Identification and validation of civilian requirements under this criterion shall be based upon documented risk assessments of what functions and levels of contractor reliance are appropriate without compromising national security or operational effectiveness. (Procedures for determining unreasonable risk are at Enclosure 1).

2.3. All other manpower requirements are non-core. DoD Components shall designate non-core manpower requirements as restricted from cost comparison or direct conversion to the private sector based on the following criteria:

2.3.1. Executive Order, Law, Treaty and International Agreement (code J). DoD Components shall designate non-core manpower with code J when they could be considered for private sector performance, but are needed to satisfy a specific provision of law, Executive Order, treaty, or International Agreement.

2.3.1.1. Examples include:

2.3.1.1.1. Civilian firefighters and security guards at DoD military installations and facilities pursuant to section 2465 of Title 10, reference (g), performing work that the DoD Component determines could be considered for private sector performance;

2.3.1.1.2. Manpower in activities involved with the operation and maintenance of hydroelectric power generating facilities at Corps of Engineers water resources projects covered by section 2321 of Title 33, reference (j), that the Army determines are severable and could be considered for private sector performance.

2.3.1.1.3. Manpower for legislatively mandated manpower floors. This includes:

2.3.1.1.3.1. Non-core civilian manpower performing depot maintenance work that are required in addition to what is needed to provide the core readiness capability (identified under criterion I, above) to comply with section 2466 of Title 10, reference (g), or other law;

2.3.1.1.3.2. Civilian manpower for dual status military technicians that are required in addition to those needed to meet inherently governmental requirements (under criteria G and H, above) and mobilization objectives (under criterion I, above) to achieve a legislatively mandated floor; and,

2.3.1.1.3.3. Military manpower that are required (in addition to the military manpower coded A through F) to achieve a legislatively mandated military floor.

2.3.1.1.3.4. Decisions concerning what manpower should be coded J to comply with a DoD Component-specific floor are centrally managed at the DoD Component headquarters or Major Command level by responsible program and force management officials. When addressing military manpower floors, DoD Components shall consider all of their military manpower and ensure that decisions about military floors are made in conjunction with decisions about what manpower is needed to support "Military Rotation" (code E) and "Military Career Progression" (code F). DoD Components should also take into account what military manpower coded L through R could eventually be converted to civilian or private sector performance.

2.3.1.2. This manpower is considered non-core because the work is commercial in nature and does not qualify as "military essential" or "civilian essential." This manpower is coded J to indicate that the only reason it is restricted from cost comparison or direct conversion to private sector performance is because of a law, Executive Order, treaty, or International Agreement.

2.3.2. DoD Management Determination (code L). DoD Components shall designate non-core military and civilian manpower with code L when the non-core manpower requirements have been exempted from cost comparison or direct conversion to private sector performance by a DoD official that exercises management authority over a functional area.

2.3.2.1. This authority is vested in Secretaries of Military Departments; Directors of Defense Agencies and DoD Field Activities; Under and Assistant Secretaries of Defense and the Military Departments; Chairman of the JCS; and the Combatant Commanders. This authority shall not be delegated below the Assistant Secretary or equivalent level.

2.3.2.2. This manpower is restricted from private sector performance solely on the basis of a DoD official's decision for reasons not covered under the criteria coded A through J above.

2.3.2.2.1. This includes non-core civilian manpower that has been exempted from cost comparison or direct conversion to private sector performance by a DoD official because the work performed by the civilians is not severable from the work performed by other inherently governmental or exempted manpower (e.g., manpower coded B, E, or F). The Components should periodically review this manpower to see if the manpower or work can be realigned to allow for competition.

2.3.2.2.2. This also includes non-core manpower that has been exempted from cost comparison or direct conversion to private sector performance because the work under review *may* involve national defense or intelligence security risks but the risk assessment has not yet been completed. This exemption is *temporary*—pending the results of the risk assessment.

2.3.2.3. This manpower is considered non-core because the work is commercial in nature and does not qualify as “military essential” or “civilian essential.” This manpower is coded L to indicate that the only reason it is restricted from cost comparison or direct conversion to private sector performance is because of a DoD management determination.

2.4. DoD Components shall designate all other non-core manpower requirements as subject to cost comparison or direct conversion to private sector performance based on the following criteria and data codes. (These criteria were developed to reflect the Department’s progress in the conduct of cost comparisons and direct conversions to private sector performance under the Commercial Activities (CA) Program pursuant to DoD Instruction 4100.33, reference (k)).

2.4.1. Retained In-house Based on Cost Comparison (code M). DoD Components shall designate non-core manpower with code M when a DoD Component has determined within the last 5 years that DoD civilians (or, in certain situations, DoD military) perform the work in a more cost effective fashion based on the results of a cost comparison study.

2.4.1.1. DoD Components shall periodically review the work to determine if it can be more efficiently or cost effectively performed by another source (contract with the private sector, or through an intragovernmental, interservice or interagency support agreement). In such situations, the DoD Component shall conduct a cost comparison study or directly convert to another source, as appropriate, to obtain best value for the DoD following the guidance in DoD Instruction 4100.33, reference (k), and DoD Instruction 4000.19, reference (l).

2.4.1.2. This criterion should include military manpower only when: (1) the work requires unusual working conditions that are not compatible with civilian employment and that cannot be made a “condition of employment” for recruitment of civilians; (2) the work is at locations where skilled civilians are not available; or, (3) civilians cannot be hired and cost effectively trained to perform the work. In such situations, the cost comparison shall include the costs of the military manpower according to the guidance in DoD Instruction 4100.33, reference (k).

2.4.2. Pending Contract Award (code N). DoD Components shall designate non-core civilian or military manpower that is in the process of being converted to contract support based on the results of a cost comparison study or Commander’s review with code N.

2.4.3. Pending Cost Comparison Results (code O). DoD Components shall designate all non-core DoD military or civilian manpower performing work that is pending the results of an active cost comparison study or Commander’s review with code O.

2.4.4. Pending Restructuring Decision (code P). DoD Components shall designate all non-core DoD military or civilian manpower performing work in a function that has been deferred from a cost comparison study or direct conversion to contract performance, pending the results of a force restructuring decision with code P. (Restructuring initiatives include official requests for approval of base closure, realignment, or consolidation actions).

2.4.5. Based on Terminated Cost Comparison (code Q). DoD Components shall designate non-core DoD military or civilian manpower performing work in a function where a cost comparison study was initiated but exceeded legislatively-prescribed time completion constraints and was, subsequently, terminated with code Q. (This code cannot be used in two consecutive years.)

2.4.6. Subject to Review (code R). DoD Components shall designate non-core DoD military or civilian manpower performing work that is commercial in nature and has not yet been subject to a cost comparison study or direct conversion to contract review with code R.

2.4.7. Converted to In-house Performance Based on Cost Comparison (code S). DoD Components shall designate non-core manpower with code S when the function has been converted to in-house performance as a result of a cost comparison study. DoD Components shall periodically review the work to determine if better value may be obtained through another source (contract with the private sector, or through an intragovernmental, interservice or interagency support agreement). In such situations, the DoD Component shall conduct a cost comparison study or directly convert to another source, as appropriate, to obtain a more efficient or cost effective method of performance for the DoD following the guidance in DoD Instruction 4100.33, reference (k), and DoD Instruction 4000.19, reference (l).

2.4.8. Converted to In-house Performance Without Cost Comparison Due to Unsatisfactory Performance or Unreasonable Prices (code T). DoD Components shall designate non-core manpower with code T when an activity involving 10 or fewer FTE has been converted to in-house performance without a cost comparison based on a contracting officer's determination that the performance was unsatisfactory or that fair and reasonable prices could not be otherwise obtained.

2.4.9. No Satisfactory Commercial Source (code U).

2.4.9.1. DoD Components shall designate non-core military and civilian manpower with code U when the DoD Component's contracting officer (or, other appropriate official) can demonstrate (pursuant to DoD Instruction 4100.33, reference (k)) one of the following:

2.4.9.1.1. After issuing a solicitation and receiving offers, it was determined that the use of a commercial source would cause an unacceptable delay or disruption of an essential program. DoD Components must document the impact on mission accomplishment in terms of cost or performance. (Temporary disruption resulting from conversion to contract is not sufficient support for such a finding, nor is the possibility of a strike by contract employees.)

2.4.9.1.2. No satisfactory commercial source was capable of providing the product or services based on lack of a response to a formal solicitation.

2.4.9.1.3. Based on the results of an attempted direct conversion from in-house to contract performance, in-house performance of activities that involve 10 or fewer civilian FTE has been determined to be satisfactory and the costs are fair and reasonable.

2.4.9.2. This criterion should include military manpower only when: (1) the work requires unusual working conditions that are not compatible with civilian employment and that cannot be made a "condition of employment" for recruitment of civilians; (2) the work is at locations where skilled civilians are not available; or, (3) civilians cannot be hired and cost effectively trained to perform the work.

2.4.10. Cost Comparison Waiver (code V). DoD Components shall designate non-core manpower with code V when a cost comparison waiver has been approved to convert from or to in-house or contract/ISSA performance following the guidance in DoDI 4100.33, reference (k).

Appendices:

1. Guidance for Risk Assessments
2. Diagram depicting Manpower Mix Criteria and order of precedence for coding billets

3. References

Guidance for Risk Assessments

1. When assessing workload requirements to support a crisis situation or mobilization, DoD Components must give full consideration to the appropriate use of DoD civilians and contract support. Because DoD civilian and contract personnel may not be cross-utilized as combatants, their use must be limited to situations where their noncombatant status and lack of combat training does not impair the combat capability of the unit. Generally, the use of DoD civilians and contract labor in operating locations where there is probable exposure to hostile fire is made on an exception basis.

a. If reasonably practicable and consistent with the requirements of the military mission, DoD Components shall plan to convert overseas U.S. civilian positions to military subsequent to an evacuation of noncombatants, in areas where there is probable exposure to hostile fire, if the continued performance of the duties is required pursuant to DoD Directive 1404.10. Where military combat skills are essential to the military mission, the wartime manpower requirements shall be designated military based on the criterion for "Military Combat" (code A). The military mission and the needs of the Commander shall be the essential part of all such decisions.

b. When the position cannot be converted to military because of the unique skills required, or because the number of skilled personnel needed to support the requirements during a crisis situation are not immediately available, the wartime manpower requirements shall be designated civilian (emergency-essential) based on the criterion for "Civilian National Security or Operational Risk" (code I).

2. Workload requirements that cannot be performed by a contractor without an unacceptable risk include:

a. Critical combat service support functions (in operating units or in the infrastructure) that the DoD Component Commander or other DoD official determines cannot be performed by a contractor during a crisis or mobilization without an unacceptable risk to combat operations or to National Defense. Such decisions are based on documented risk assessment and are subject to review during the planning process of the Joint Strategic Planning System as provided for by the Chairman, Joint Chiefs of Staff (JCS) pursuant to DoD Instruction 3020.37.

(1) Where there is concern about the continued performance of essential services (to include security assistance) by a contractor during a crisis situation or mobilization, DoD Component Commanders shall prepare a contingency plan for obtaining the essential services from an alternative source to include the use of a second commercial source or DoD civilian (to include host nation support) or military manpower pursuant to DoD Instruction 3020.37. In such situations, DoD Components shall develop a risk assessment with sufficient data to support their decision for an alternate source.

(a) When performance by a contractor represents an unacceptable risk to military operations, the wartime manpower shall be designated as military or civilian based on the criteria for "Military Combat" (code A) or "Civilian National Security or Operational Risk" (code I), as appropriate.

(b) When performance by a contractor does not represent a risk to military operations (or the risk is acceptable), but a suitable contractor is not available, the wartime manpower shall be designated as military or civilian based on the criterion for "DoD Management Determination" (code L).

2. DoD Components shall consider the following conditions when conducting risk assessments and identifying unacceptable risk:

(a) Private sector sources having the capability to perform the work have insufficient workforce levels or skills to perform the work or have insufficient facilities, technology, or equipment to perform the work: a) in the quantity necessary, or as rapidly as the DoD Component considers necessary to enable the armed forces to fulfill the national military strategy; or, b) without a significant disruption or delay in the required work that would result in an unacceptable risk to combat operations;

(b) Private sector sources are not adequately responsive to surge requirements or to other contingency situations (will not make changes in the mix or priority of previously scheduled workloads or reassign employees to different workloads) without additional contract negotiations;

(c) Private sector sources cannot provide for the rotation of personnel to sustain essential services during a protracted conflict, or cannot provide for the replacement of employees who are killed, injured, or otherwise lost during a conflict as rapidly as the DoD Component considers necessary.

b. Highly sensitive intelligence work (such as is prescribed in Executive Order 12333, that the Director, Defense Intelligence Agency (DIA), determines cannot be performed by a contractor without an unacceptable risk to national intelligence. The Director, DIA, (as the designee for the Director of Central Intelligence for DoD risk assessments),

makes such determinations based on documented risk assessments prepared by the DoD Components and in consultation with other organizations, as deemed necessary, pursuant to DoD Instruction 4100.33, reference (k).

c. Highly sensitive security work (such as maintenance and operation of Signals Intelligence (SIGINT), Telecommunications, Computer Security (COMPUSEC), and Communications Security (COMSEC) equipment) that the DoD Component determines cannot be performed by a contractor without an unacceptable risk to national security. DoD Components base these determinations on documented risk assessments and advice provided by the National Security Agency (NSA) pursuant to reference (k).

Appendix 1

References

- (a) DoD Directive 1100.18, "Wartime Manpower Mobilization Planning," January 31, 1986
- (b) DoD Directive 1100.4, "Guidance on Manpower Programs," August 20, 1954
- (c) DoD Directive 1315.7, "Military Personnel Assignments," January 9, 1987
- (d) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," September 8, 1971
- (e) Office of Federal Procurement Policy (OFPP) Policy Letter 92-1, "Inherently Governmental Functions," September 23, 1992
- (f) DoD Directive 1404.10, "Emergency-Essential (E-E) DoD U.S. Citizen Civilian Employees," April 10, 1992
- (g) Title 10, United States Code
- (h) Title 5, United States Code
- (i) Title 31, United States Code
- (j) Title 33, United States Code
- (k) DoD Instruction 4100.33, "Commercial Activities Program Procedures," September 9, 1985
- (l) DoD Instruction 4000.19, "Interservice and Intragovernmental Support," August 9, 1995
- (m) DoD Instruction 3020.37, "Continuation of Essential DoD Contractor Services During Crisis," November 6, 1990
- (n) Executive Order 12333, "United States Intelligence Activities," December 4, 1981